NSW Nth and Aus

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G.O. 487
14.3.41
4452 8/41

Dep '193 40) Department.

(Ms) SERIES.

G.O. No. 352

Dated 14 - 2 - 40

[Despatch Abstract]

Fisheries memorial - Moideen T

Late Petty yard - others - Permanent-

reduction as from - Rejected

4194-S/39
15/6/39

To

The Secretary

To the Government of Madras,

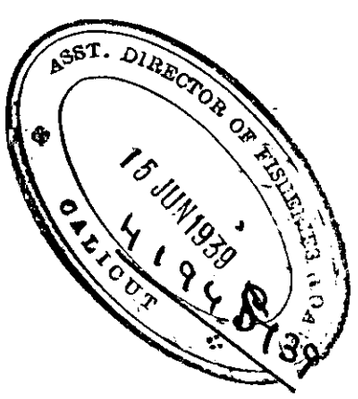
Labour & Development Department,

Fort St. George, M a d r a s.

Respectfully submitted

Through the proper Channel

Humble memorial submitted by T. Moideen, Peon attached to 1st Fish Curing Yard, Malpe, -- Malpe Post, South Kanara Dt.



Most Respectfully Sheweth,

That the memorialist was working as a Petty Yard Officer at the Veliangode Fisheries Yard when under circumstances submitted below he was permanently reduced to a Peon's post by the Assistant Director of Fisheries (Coast) Calicut in his proceedings D.Dis.7208-S/37 dated 17-11-1938.

Copy at pp 5-9 infra

Ass't Director of Fisheries (Coast) Calicut in his D.Dis. No. 7208-S/37 dated 17-11-38. (W)

2. That the memorialist submitted an appeal against the above order to the Director of Fisheries, Madras on 14-12-1938 and the Director of Fisheries in his proceedings D.Dis.No. 473-H.39 dated 21st April 1939 is pleased to confirm the order of the Assistant Director of Fisheries, Calicut on the sole ground that memorialist does not deserve any lenient treatment.

Copy at p. 10 infra

Received at p. 15 (Z)

That the above two orders were submitted enclosed and memorialist most humbly seeks permission to approach the Government with this memorial for a merciful and sympathetic consideration of his case in the light of facts submitted herein.

Copy at pp 5-10 infra

4. That the memorialist counts a service of 23 years, and had the good fortune to earn a reward --

of one month's pay during the Moplah Rebellion in 1921 for the meritorious services rendered in protecting the Tanur Fisheries from the attack of rebels.

5. That he had joined the service under Sir Frederick Nicholson and had always rendered satisfactory service.

6. That the only serious charge and allegation against him is that he made a dishonest attempt in making his defence for certain minor charges by fudging tally books - by creating new tally books and make the officials believe that they were existing and were maintained by memorialist in the ordinary course of his duties.

7. That the Assistant Director of Fisheries did not take into consideration the memo. relating to the receiving of charges No.98 & 99 dated February4, 1938 relating to the handing over charge by P.K.Madhava Menon to memorialist and the other memo. relating to handing over charge No. 79/80 dated 24-10-1937 relating to the handing over charge by P.K.Moosa to Petty Yard Officer P.K.Madhava Menon which contains the names of tally books among other books thus showing and proving clearly the existance of the two tally books on and previous to 20-10-1937 beyond any reasonable doubt.

8. That if these two documents are called for and examined it will be seen that the allegation of fabrication and invention of two tally books newly after 20-10-1937 for setting up a false defence will fall to the ground and the existence of the tally books since 11-8-1937 will be established and the veracity of memorialist's statement admitted.

9. It is wrong, memorialist humbly submits to suppose that the tally books were non-existing on 28-12-1937. Memorialist was not present during the inspection on 25-12-1937 and if he were present he would surely have been able to show the Tally Books on that day.

10. That the memorialist humbly submits that those who

have denied the existence of the tally books have spoken falsely only for the purpose of ruining the memorialist.

That the memorialist regrets to submit that the Assistant Director of Fisheries refused to examine two of the witnesses cited by him viz. P.K.Moosa and P.K.Madhava Menon to prove the existence of the tally books and thus greatly handicapped the defence of the memorialist.

12. That the memorialist is a Moplah of Tanur and he rose to the position of a petty yard officer by dint of merit earned by hard and honest work though he possesses no educational qualifications and there has been considerable prejudice against him among Nayars who have generally no love or liking for Moplahs.

13. That he can swear by the Holy Koran that the tally books under reference were not fabricated or fudged for the purpose of a false defence but they have been really existing and were maintained by this memorialist without anticipating any trouble.

14 That single-handed as the memorialist is, it is difficult for him to adduce any external evidence against a powerful opposition and he has therefore to rely entirely on the charge memos. dated February 4, 1938 and 24-10-1937 for the existence of the Tally Books and memorialist most humbly implores Government may be graciously pleased to send specially for these memos. among the rest of the records and scrutinise the same when Government will be convinced that the charge of fabrication is unfounded and without justification.

15. That at this age and after so many years of honest and hard service that memorialist should be deprived of the fruits of his hard and devoted work as a result of mere suppositions is very cruel and memorialist

submits most humbly if Government is not pleased to mete out justice to him memorialist will be a ruined man for life.

In the sure and earnest hope the present popular Government - Government that stands to vindicate the cause of the poor man will leave no stone unturned to render -- justice to the memorialist.

17. For which act of justice and mercy memorialist will ever feel grateful.

Memorialist 10.6.39

Malpe post,)
10th June 1939.)

P3/56/39 & P4/85/39 dt 10.6.39

Submitted to the Director of Fisheries. Mangalore.

Sub Inspector Malpe
10/6/39.

Rect No 668/39 dated 13-6-39.

Submitted to the Sub Asst Director of Fisheries (West Coast), Calicut.

13/6/39

Inspector of Fisheries
Mangalore

11/6/39

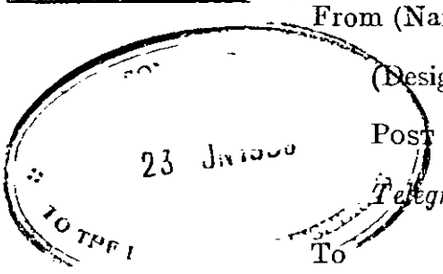
12

C.F. 32.

Fisheries DEPARTMENT.

In reply, please quote number, date and short title.*

Received _____ *Registered* 1908-H/39



From (Name) Sri M.Jayaram Naidu, B.A.,

(Designation) Sub Assistant Director of Fisheries,

Post Box _____, (STATION) Calicut.;

Telegraphic Address _____

To

The Director of Fisheries,
Madras.

No. 4194-S/39, *dated* 17-6-1939.

Sir,

Ref:- Your D.Dis. 473-H/39 dated 21-4-39 - Establishment - Peon T.Moideen - Appeal against reversion -

ENCLOSURES
8 papers

SPARE COPIES

I enclose peon T. Moideen's appeal to the Secretary Development Department against the Asst.Director (Coast)'s Proceedings D.Dis. 7208-S/37 dated 17-11-38 reverting him permanently as peon and your order D.Dis. 473-H/39 dated 21-4-39 confirming the punishment.

2. In para 7 of the petition Moideen refers to charge memos Nos. 98-99 dated 4-2-1938 and 79-80 dated 24-10-1937. The letter is dated 24-12-37 and not 24-10-37 which is probably a mistake - vide pages 66-69 of D.Dis. 7208-S/37 dated 17-11-38. Moideen's argument that because the tally registers were in existence on 24-12-37 and 4-2-1938, they could not have been fudged after 20-10-37, the date of Asst. Director (Coast)'s inspection, is baseless, Besides Moideen has not met the point how he happened to mark tallies in the tally registers during the period he was on casual leave and peon K.P. Govindan Nayar was in charge of the yard. The question has been fully discussed in paras 10 to 14 of the Assistant Director (Coast)'s Proceedings D.Dis. No. 7208-S/37 dated 17-11-38. I have no further remarks to offer.

3. Dis file No. 7208-S/37 dated 17-11-38 dealing with the case and containing the two tally registers is sent by separate registered post.

21/6/39

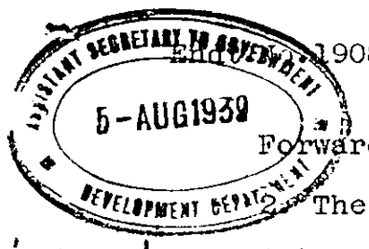
C.P.A. 21/6

for Sub Asst.Director of Fisheries.

2259

Department of Fisheries,

Ref. No. 1908-H/39 Madras, 3rd August 1939.



Forwarded.

2. The petition is liable to summary rejection under rules XVII-(7) of the instructions for the submission of petitions to Government issued in G.O.No.271 Public (Services)dated 4.2.1937.

3. The petitioner was reduced from Petty Yard Officer's post as Peon in Assistant Director(Coast)'s proceedings No.D.Dis.7208-S/37 dated 17.11.1938. His appeal was disposed of in my proceedings No.D.Dis.473-H/39 dated 21.4.1939. This petition is a memorial to Government. No fresh facts other than those dealt with in his appeal have been brought forward by the Memorialist. Besides swearing by the Holy Koran he could produce no other evidence to show that he had not fudged the tally books produced by him to prove that the entry in F.C. 3-A is only a clerical error. These tally books were neither produced nor cited by the Memorialist at the inspection of the yard by the Asst.Director of Fisheries(Coast) on 20.10.1937 and the Sub Inspector on 21.10.1937, when these mistakes in the Fish curing yard register were discovered. Besides in the charge list of Stores and Registers in the yard there is no mention of tally books prior to the date of inspection. But entries begin to appear only in Charge lists subsequent to that date and these are the Charge lists signed by the Memorialist himself. Besides this suspicious circumstance the tally books now cited as evidence are found to be written entirely in the Memorialist's own hand. That the memorialist had fudged the tally books is clear from the fact that these books contain entries from 16.9.1937 to 25.9.1937 when the yard was in charge of another man viz. Peon K.P.Govinda Nayar and the Memorialist was on leave. Copy of Assistant Director(Coast)'s findings on his enquiry dealing with this point is enclosed.

I therefore confirmed the Asst.Director(Coast)'s orders.

B. Sivaraman Ry

Director of Fisheries.

To

The Secretary to Government,
Development Department,
Fort St.George, Madras.

MLM/3.8.

14

Copy of Assistant Director(Coast)'s findings on his enquiry. (12.11.1938.)

The evidence of T.K.Narayanan Nayar seems to show as if the tally books in the charge lists at pages 62,67 and 69 were not those then in use but old ones ~~but~~ not in use. These must have been put in the list so that new ones cooked up by the Petty Yard Officer Moideen may be substituted when their existence was questioned. I will not therefore say positively that they were the ones handed over though they must by then have been fabricated.

The evidence of Peon K.P.Govindan Nayar is conclusive that when he was in charge there were no tally books in use. The entries during the period are in Moideen's hand-writing this is admitted by him. Govindan Nayar denies having been told about them. There can be no doubt therefore that they were cooked up after my inspection.

Moideen should be permanently reduced as a Peon but may be given Rs.18/-p.m. ~~after~~ For the manipulation in the entries he deserves to be reduced but the cooking up of tally books deserves ~~now~~ more serious punishment. ~~for~~ In view of the man's long service I will not dismiss him but only reduce him permanently as a Peon.

Please draft orders and post another as Petty Yard Officer.

11/8

Dev Secn

O.M No 22069 VI/39-1 dt 11.8.39

Ref. memorial dated 10.6.39

J. Moideen Kesi Pethu

and Others. Veliangode

Post Cherry Pond

and D.F.'s endt. No. 1908-H/39

dt 3.8.39

The D.F. is requested to obtain and forward all the records connected with the case and the memorialist's personal file.

To the D.F.

10/8

11/8

11/8

L.R. sent on 18/9

Note It does not seem that the memorial is liable to summary rejection under the instructions quoted by the D.F. in para 2 of his Endt at p. 13 C.

11/8

C.F. 30.

Fisheries **DEPARTMENT.**

Received ..... 19 *Registered* 31865 19

Subject.

Establishment - Fish curing yards - T.Moideen. Late petty yard officer, Veliangode yard - Memorial.

ENCLOSURES.
No. .....
.....
Spare copies .....

Ref: No. 1908-H/39.

Station Madras, *Dated the* 23rd October 1939.

From (Name) Diwan Bahadur Dr.B.Sundara Raj,M.A.,Ph.D.,

(Designation) Director of Fisheries.

To The Secretary to the Government of Madras,

Development Department.

Sir,

Ref:Government Memorandum No.22069-VI/39-1 dated 11-8-1939.

The following records connected with the case are herewith submitted as directed:

(1) File D.Dis.No. 7208-S/37 dated 17-11-38 containing two tally registers.

(2) F.C.3 register from 26-9-1936.

(3) F.C. 3 A register from 14-3-37.

(4) F.C. 6 statements for the weeks ending 18-10-37 and 25-10-37

(5) Personal file of T.Moideen.

2. The charge list dated 4-2-1938 referred to by

T.Moideen in para 7 of his appeal is at pages 68-69 of D.Dis. No.7208-S/37 dated 17-11-1938. The charge list dated 24-12-37 is at pages 66-67 and that dated 4-12-37 is at pages 61-62 of the above file. It is in the list at pages 61-62 that the tally books appear for the first time. They do not find a place in the list dated 16-9-37 at pages 71-72 of the above file.

3. T.Moideen was on casual leave from 16th September 1937 to 25th September 1937. F.C.3 register will show that there were transactions on 18-9-1937, 19-9-37, 22-9-37, 23-9-37 and 25-9-37 and peon K.P.Govindan Nayar who was in charge of the yard made the entries. But in the tally register, the entries for the period are in the handwriting of T.Moideen. Pages 23-24 of the F.C. 3-A register will show that fish was let out on 19-~~9-1937~~, 20-~~9-37~~, 23 and 25-9-1937 by peon Govindan Nayar. The tally register for dry fish let out will show that the tallies were marked by Moideen. The unauthorised correction made by Moideen after the Assistant Director (Coast)'s inspection on 20-10-37 is against application No. 130 in F.C.3 A/page 29. The mistake in totalling the F.C. 3 A referred to in para 5 of the Assistant Director(Coast)'s proceedings No.7208-S/37 dated 17-11-38 originated on 11-10-37 at page 28 and the subsequent adjustment was made on 18-10-37 at page 29. But the mistake continued right up to page 42 and was corrected by the Section Sub Inspector on 22-12-37.

I have the honour to be,
Sir,
Your most obedient servant,

B. Sivaraman Nair

Director of Fisheries.

24/10

Dev. Dept.

O.M. No. 22069 (1)/38-Edn-11-39

L9
9/11

p.16 ✓ Ref:- Letter from the D.F. No. 1908-H/39 dt 23-10-39 from T. Moideen, Late Petty Guard Officer, Velianpode Fish Curing Yard - Memorial against reduction as pen.

9/11

=

The D.F. is requested to forward for reference and return his office file D. Dis No. 473-H/39 dt 21.4.39 referred to in para 2 of the memorial.

Copy at p.10 ✓
p.1 ✓

RR
8/11

To The D.F. ✓

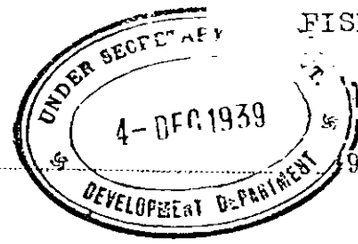
8/11 7.11.39.

Attn
14/11

1c7

C.F. 30.

FISHERIES **DEPARTMENT.**



Received ..... 19 *Registered* 19

Subject.

Establishment - T. Moideen Late Petty Yard Officer, Veliangode Fish curing yard - Reduction as peon - Memorial to Government.

ENCLOSURES.
No. D. Dis 473 H/39
Spare copies

Ref. No. 1908-H/39

Station Madras, *Dated the* 2nd December 19 39.

From (Name) Dewan Bahadur Dr. B. Sundara Raj, M.A., Ph.D.,
(Designation) Director of Fisheries,

To The Secretary to the Government of Madras,
Development Department.

Sir,

Ref:-- Government Memorandum No. 22069-VI/39-2 dated 9th November 1939.

---

(2) My office file D.Dis. 473 H/39 dated 21.4.1939 is sent herewith for reference and return.

I have the honour to be,
Sir,
Your most obedient servant,

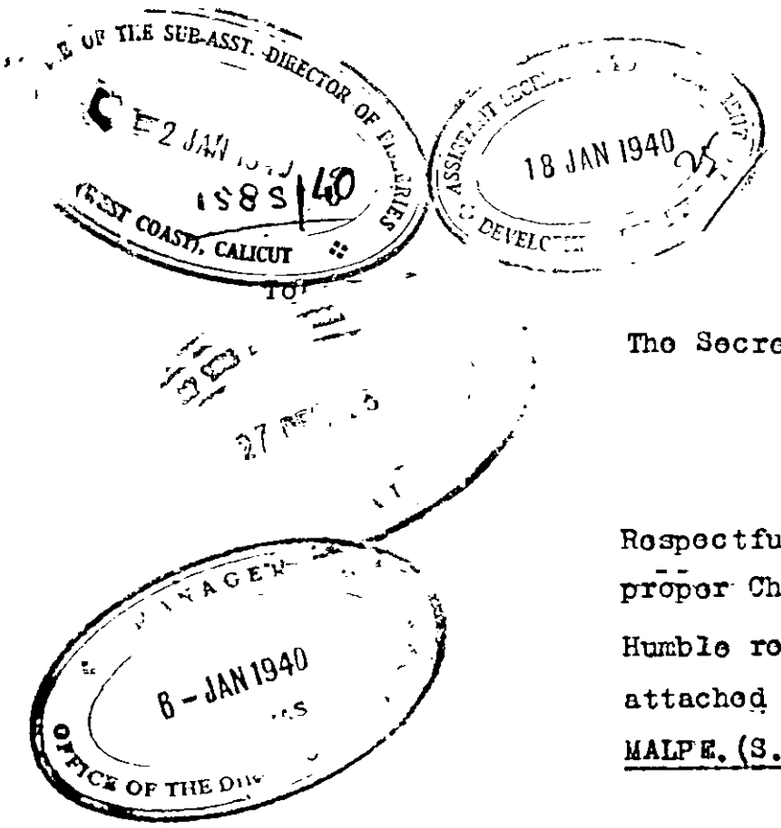
for Director of Fisheries.

MLM/2.12. 2/12

1908-1939 4194.S.39.

MALPE.

Dated, 25-12-1939.



The Secretary to the Government of Madras,
Labour and Devol. Depatrment,
Fort St.George, MADRAS.

Respectfully submitted through the proper Channel.

Humble reminder submitted by Peon T.Moideen attached to Malpe I F.C.Yard,
MALPE. (S.K.)

Most respectfully Showeth,

That the memorialist begs leave to state that the memorialist had submitted an appeal to the Government on 10-6-1939 through the proper channel against the orders of the Assistant Director of Fisheries Calicut, and the Director of Fisheries Madras, praying for his reinstatement as a permanent Petty Yard Officer in the Fisheries Department.

File submitted to Secretary on 24.1.40.

That the memorialist note with regret that no reply from the Government has yet been received to his memorial so far.

Ever Pray,

Sd/- T. Moideen. 25-12-39

Submitted.

Ullanni attikan
Fish Inspector
26/12/39
Malpe I F.C. yard

by 3rd cl submitted to the sub-Assistant Director of Fisheries Calicut

Ullagappa
26.12.39
Inspector of Fisheries Mangalore.

East Rep No 4194-S-39
3-1-40.

Submitted to the Director of Fisheries, with reference to correspondence ending with my letter

V 2/

Ref No 4194-S-39 dated 4.9.39.

M. Jayaram Naidu
3/1/40
Publicity Director of
Fisheries (W.C.)
2
3.1.40

Department of Fisheries,

Endt.Ref.No.1908-H/39 Madras, 16th January 1940.

1867

Forwarded.

2. The memorial dated 10.6.1939 is pending with Government, vide correspondence ending with my letter No.1908-H/39 dated 2.12.1939 in reply to Government Memo.No.22069-VI/39-2 dated 9.11.1939.

re submitted
w stay on
24/1/40

L.R. Natesa Ayyar
for Director of Fisheries.

To

M
17/1/40

The Secretary to Government, Development Department, Madras.

MLM/17.1.

Con Dept

39/2611

2 CF..

Dev Dept

O. M. No. 22069 [illegible] -3 dt 26-1-40

Ref:- D. F.'s endt. No. 1909 -H/39 dt. 16.1.40.

Memorial from T. Moideen, Late Petty yard Mistri. Permanent reduction as Jem

2

The D. F. is requested to inform the memorialist that his memorial referred to is under the consideration of the Govt

25/1/40

To the Secretary.

To the D.F. Dated 27/1

24/1/40 25.1.40.

20/23

Development Dept.

Subject:- Fisheries - Memorial - T.Moideen, Late Petty Yard Officer - Reduction as peon

---

(From T.Moideen dated 10-6-39.)
(From the D.F.Endt. No.1908-H/39 dated 3-8-39.)
(O.M. to the D.F.No.22069-VI/39-1 dated 11-8-39.)
(From the D.F.No.1908-H/39 dated 23-10-39.)
(O.M. to the D.F.No.22069-VI/39-2 dated 9-11-39)
(From the D.F.No.1908-H/39 dated 2-12-39)

To A.S.

Please see the memorial from T.Moideen, late Pettv Yard Officer, at pages 1-4 c.f. and the D.F.'s remarks thereon at pages 13 and 16-17 c.f.

2. In his proceedings No.7208-S/37 dated 17-11-38, the Asst. Director of Fisheries (Coast) ordered that the Memorialist be reduced permanently as peon on Rs.18/- per mensem. The preliminary enquiry was conducted by the Inspector of Fisheries, Chowghat. The Asst. Director of Fisheries (Coast) first framed the following charges against the memorialist in his proceedings dated 8-2-38:-

(1) that the memorialist was dishonest and negligent in his duties when he cooked up the dry weight of fish in respect of consignments F.C.3, Nos. 160, 169 and 173 and fudged the F.C.3-A entry No.130; and (2) that he fraudulently altered the entry No.130 in the F.C.3-A register substituting a fictitious entry already made by another fictitious entry to give it an appearance of reality.

The following further charges were afterwards framed against the memorialist on 10-4-38 and 7-6-38:-

(3) that he made certain other unauthorised corrections in the F.C.3-A register and that he was inefficient.

(4) that he fudged a tally register to support a false explanation after the Asst. Director's

inspection on 20-10-37.

In his ~~proceedings~~ findings dated 12-11-38 the Asst. Director of Fisheries (Coast) has not recorded his findings on charges (1) to (3) above, ~~which~~ he considered as minor ~~but has recorded his findings on~~ charges (3) and (4) only. The memorialist appealed to the Director of Fisheries who unheld the punishment ordered by the Asst. D.F.(Coast).

3. The records of the preliminary enquiry are at pages 1-3, 19-24 and 79-86 of (W).

The charge sheets are at pp.10-15, 27-30, 40-47 and 87-89 of (W).

The explanations of the memorialist are at pages 18, 40, 53-55 and 91 of (W).

Further references and oral evidence are at pages 76, 101-102, 105, 110-112 of (W).

The proceedings of the Asst. Director of Fisheries (Coast) is at pages 115-143 of (W).

The appeal petition to the Director of Fisheries is at page ~~15~~ 4-7 of (Z).

The personal sheets of the memorialist are placed in a confidential cover (put up)

4. Procedure. The memorialist makes the following allegations in his present memorial to Govt.

(1) That the Asst. D.F. did not take into consideration the memo. relating to the handing over of charge of the Veliangode yard Nos.79/80 dated 24-12-37, and 98 and 99 dated 4-2-38; and

(2) That the Asst. D.F. refused to examine the two witnesses cited by the memorialist viz., P.K.Mossa and P.K.Madhava Menon.

These points were not stated in the appeal preferred to the D.F. though the memorialist was aware of them

then at that time. The points material. The D.F.'s statement at 'A' on page 13 c.f. is not quite correct. His remarks that the memorial may be rejected summarily under rule XVII(7) of the rules for the submission of petitions to Govt. is not also correct as any subordinate has got the right to memorialise Govt.

Item (1) on page 2 ante.

Reference is solicited to para 9 of Asst. D.F.'s proceedings. The Asst. D.F. did take into consideration the two charge lists referred to in the allegation viz., those dated 24-12-37 and 4-2-38 before recording his finding. The allegation is groundless.

Item (2) on page 2 ante.

Under the instructions issued regarding disposal of disciplinary cases, when an enquiring officer refuses to permit the person charged to call and examine a witness cited by him the reasons for such refusal must be recorded in writing and failure so to record the reasons will vitiate the enquiry. The Asst. D.F.(Coast) has recorded in his file the reasons for his refusal to call and examine the witnesses viz., P.K.Moosa and P.K.Madhava Menon cited by the memorialist but has not told the memorialist or recorded during the enquiry why he refused the request.

5. The enquiry conducted by the Asst. D.F. (Coast) seems also to call for the following remarks:-

(1) Under rule 55 of the Classification rules applicable also to the present case the person charged shall be entitled to cross examine the witnesses. Of the two witnesses examined during the oral

2/3/26

enquiry one is stated to have not been cross-examined by the memorialist. There is no specific record to the effect that the memorialist did not wish to cross-examine the witness K.P.Govinda Nair. ~~Probably the memorialist did not desire to cross examine the witness.~~

(2) With reference to para 7 of the instructions regarding disposal of disciplinary cases, the officer holding the inquiry should record his finding on each charge separately. The Asst. D.F.(Coast) who held the enquiry in the present case framed four charges against the memorialist. He did not record his finding on each of these charges separately. He has however said in his proceedings dt 17-11-25 that the first two charges were minor. ~~and have recorded only the former charges. There seems to be no irregularity in this.~~

The defects mentioned above except the one relating to the refusal to allow the memorialist to examine the witnesses cited by him do not seem to be material. ~~It is for orders whether the defect is material enough to vitiate the proceedings.~~ It is for orders whether the Report is material enough to vitiate the proceedings. Public (Ser) need be consulted in the matter. ~~It be also for orders~~ whether the memorial will be summarily rejected or considered on its merits. In the latter case, the M.P.S.C. will have to be consulted.

20/12
20/12

The defects mentioned at A' B' and C' above do not appear to be so material as to vitiate the proceedings. The Asst Director of Fisheries (Coast) from para 14 of his proceedings dt 17-11-25 it will be seen that the punishment he awarded was as a result of his finding

P.T.O.

p 111 g (W)

B This is not correct. There is a note at p. 111 g (W) "No x-exam. by Mohideen" Cl. 1 proc.

p 3 g
p. 112 Ord 'Cm' (T)
7-7-26

A mp 1 ans.

C
p. Com at p 16 n
pp 142-143 g (W)
Evidently, he acted on the last 2 charges Cl. 1 proc.

Orders '23 mp 3 ans.

pp 115-143 g (W)
pp 142-143 g (W)

Vide K' nos 1-2 ante

The Yard officer guilty of Charge No (4) viz. that of fabricating tally books in support of a false explanation. The Charge was that he judged a tally register after the Asst Dir's inspection of the Yard on 20-10-1937.

The items relating to the handing over & receiving charge of the yard d. 24-12-1937 and that d. 4-2-1938 (referred to by the memorialist in para 7 of his 2 cf) which make mention of tally books do not furnish evidence to dispute a charge which states that they were judged after 20-10-1937 as will be seen from similar memoranda relating to transfer of charge d. 22-7-1937 and 16-9-1937 do not make mention of tally books

as in Pp 66-69 of (W)

vide also para 4 (1) on Pp 2-3 ante

vide Pp 57-59 of (W)

(+) Pp 71-72 of (W)

It does not therefore appear that the defects mentioned above are so material as to vitiate the proceedings of the Asst Dir.

I am unable to follow this. This should be worked out more fully. CWW 30/12/39

It is considered necessary the M.P.S. Commission may be consulted.

Public (Secy) may see for remarks

27/12/39

Ref:- Secretary's remarks in the margin at 'M' on the previous page.

The 'defects' referred to there are those marked 'A', 'B' & 'C' relating to the procedure and alleged by the memorialist. Defect 'A' refers to the refusal of the Enquiry Officer to call in two witnesses cited by the Petty Yard Officer. The Asst. Director has recorded his reasons for his refusal as required by para 6 of G.O.1112 Public (Services) dated 7-7-39. Defect 'B' refers to the memorialist's not cross-examining one of the two witnesses examined by the Enquiry Officer. There is nothing to show that the memorialist wanted to cross examine and he was not allowed to do so. Defect 'C' refers to the Enquiry Officer not recording his finding on each charge. There were four charges -- three relating to the manipulation and unauthorized corrections of entries relating to weight of fish entered in the register of the Yard and one relating to his fudging a tally register to support false explanation. In para 15 of his order the Asst. D.F. says that he does not propose to deal with charges of minor importance and he has actually dealt with in full only the fabrication of the tally books. It may therefore be assumed that the Asst. Director's punishment of reduction is based solely on his finding on the fourth charge.

Coming to the main charge on which the punishment has been based, it will be seen that the charge stated as proved is that the Petty Yard Officer fabricated false tally registers where none was in existence on the date on which the inspection of the Asst. Director took place nor even on the dates on which the entries concerned in the registers were tampered with. 'Tally Register' has been relied on by the memorialist to support the corrections he made of the weight of fish

let out from the yard. The position taken up by the Asst. Dir. is that there was no tally register at all maintained in the yard. The proof adduced by the Petty Yard Officer is that the tally register is referred to in the records and tools taken charge of, on transfer of men in charge of the yards. There were such transfers on (1) 22-7-37, (2) 16-9-37, (3) 4-12-37, (4) 24-12-37 and (5) 4-2-38. In the first two cases, there was no mention of tally register in the list of things taken over by relieving officials. There is reference to the tally register in the other three cases. The inspection of the Asst. Director was on 20-10-37 and the Petty Yard Officer says the tally registers were opened by him only on 10-8-37. If there was a register on 10-8-37 and also on 4-12-37 and later, there ought to have been one on 16-9-37 but there was none in the handing-over list and this is explained as due to the fact that this list was prepared from the one which was in existence when he took over on 22-7-37 and as this list did not contain any reference to the register, he failed to enter the register when he handed over charge on 16-9-37. This story is not accepted by the Asst. Dir. on the ground that there is definite evidence that the register was newly prepared as according to the admission of the memorialist himself, the register was written, at least in parts, on dates when he was on casual leave. During this period his *locum tenens* did not notice the tally register. Further the Asst. Director held that the tally register mentioned in the later transfer of charge sheets (4-12-37, 24-12-37 and 4-2-38) even if the register existed, should have been old ones not in use at the time. There is thus evidence that Moideen, the memorialist, fudged the tally register and the punishment awarded based on this finding seems to be well deserved and the defects in procedure, even if they are deemed to be defects,

Q Evidence on Ph 113 Z (W)

Q para 2 p. 49 Z (W)

(1) - Transfer list at Ph 57-59 Z (W)
(2) — " — Ph 71-72 — —
(3) — " — Ph 61-62 — —
(4) — " — Ph 66-67 — —
(5) — " — Ph 68-69 — —

Q. para 2. p 49 Z (W)

—

Ph 71 72 Z (W)

& vide p. 91 Z (W)

Ph 57-59 Z (W)

Transfer list at Ph 71-72 Z (W)

vide para 2 p 113 Z (W)

and p 113 Z (W)

Ph 61-62, 66-67 and 68-69 Z (W)

Yes can Take

need not be deemed to be such as to vitiate the proceedings.

P.S.J.
24-1-40.
D.R.
24-1-40.

This file relates to a memorial from a petty yard officer of the Fisheries Department who was reduced as a peon in 1938. The reduction was ordered by the Assistant Director of Fisheries (Coast). Against this order the memorialist appealed to the Director of Fisheries and the appeal was dismissed. The charges against him related to fudging a register and making unauthorised entries in certain other registers. There were four charges, but the order was based on two of them, the other two being ignored as of minor importance. The allegations in the memorial are:

(1) that the Assistant Director of Fisheries who ordered his reduction failed to take into consideration two memoranda relating to the handing over of charge, which memoranda would have disproved the main charge relating to the fudging of a register, and (2) that the Assistant Director refused to examine two witnesses cited by the memorialist.

On an examination of the records it is seen that neither of these allegations is correct. The order of reduction specifically mentions the memoranda referred to by the memorialist which shows that the Asst. Director did consider them. There is a note in the records of the enquiry stating the reason why the Asst. Director did not consider it necessary to examine the two witnesses cited by the memorialist. There has been therefore no defect in the ~~statutory~~ procedure followed ~~prescribed for such enquiries~~, nor is there any reason on merits, to interfere with the order of reduction. The memorial may be rejected.

31

DR. Dept

Lo A.S.

A draft order is submitted for approval.

Issue

12/2

12.2.10

13/2/10

32

O.F.10.

Dev. Dept.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined...		
When signed ...		
When despatched.		

SUBJECT:— Fisheries

memorial - Moideen T, Lascar Petty yard Mstr

Permanent reduction as recm. Rejected

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No 22069 (II)/39 From the memorialist, No. _____, dated 10.6.1939 Fh 1-4 Cr:

" _____ " D.F. Cochin " 1908-H/39 " 3.8.1939 Fh 13 Cr

D.M. to the D.F. " 22069-(II)/39 & 1908-H/39 dt 11-8-39 Fh 15 Cr:

" _____ " From the D.F. " 1908-H/39 " 23.10.1939 Fh 16-17 Cr

D.M. to the D.F. " 22069-(II)/39 & 1908-H/39 dt 9-11-39 Fh 18 Cr:

From the D.F. " 1908-H/39 & 22069-(II)/39 dt 2-12-39 Fh 19 Cr:

Order / ~~Resolution~~ Ms. / ~~Rout.~~ No. 352, dated 14/12/39 19 40.

Depd with records 15/12

The Govt decline to interfere on behalf of the memorialist. The D.F is requested to inform him accordingly

By Order 12/12 12.12.40. 13/12/40

To the D.F. (with records returned) ✓

(1) List of records.

1. Personal file of T. Moideen ✓ placed in cover below.
2. D.F's D.Dis file no 473-H/39 dt 21.4.39 (2) ✓
3. Asst D.F (Coast)'s file D Dis no 7208-S/37 dt 17-11-38 (W) ✓
4. Fh C 6. Statements for the (1F) weeks ending 18.10.37 and 25.10.37 ✓
5. Fh C 3 Register ✓ placed at the bottom of the file D.
6. Fh C. 3 A. Register ✓